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Falcone & Associates, LLC
3151-3251 North Federal Highway
Revised Justification Statement for Request for Allocation of Residential Flexibility Units
PZ Case #: 20-05000003
Dated: August 2, 2021

1307 South Wabash, LLC is owner of the +/- 6.2 acre parcel located on the west side of North Federal Highway just south of Northeast 33rd Street (“Property”) in the City of Pompano Beach (“City”). In early 2020, 1307 South Wabash, LLC submitted a Residential Flexibility Units Application requesting that 285 residential units be allocated to the Property which is zoned B-3. The application was assigned Planning and Zoning Case Number 20-05000003 and received one round of review comments from city staff. Since that time, Falcone & Associates, LLC has entered into a contract to purchase the Property and hereby requests that the application be amended so that Falcone & Associates, LLC be replaced as the “Applicant” in place of the Owner. Lastly, as Applicant, Falcone & Associates, LLC is pleased to submit a revised conceptual site plan to accompany the Flex Unit request which depicts a dynamic mixed-use multifamily design with associated amenities and commercial use space on Federal Highway (“Project”). Applicant respectfully requests approval of this request, as the proposed Project is fundamentally consistent with the pertinent goals, objectives, and policies of the Comprehensive Plan, supports the vision and principles underlying the City’s 2013 Transportation Corridor Studies Transformation Plan, and will introduce a substantial improvement for the neighborhood and surrounding properties.

The Property is designated Commercial on the City’s Future Land Use Map and zoned B-3, General Business. The properties to the north and south are also zoned B-3, with a gas station located to the north and a golf cart sales business located to the south. The properties to the west are zoned RS-4, Single Family Residential with single-family homes while the properties to the east are not within the jurisdictional limits of the City of Pompano Beach.

The Property is currently vacant after recent demolition of the old structures on site. Four easements will need to be abandoned for the proposed project; 2 FPL easements and 2 utility easements. The location of these easements has been shown in the attached Easement Exhibit. Mixed-use multifamily residential development is a permitted use under the land use and zoning, subject to allocation of residential flexibility units. Section 154.61(D) of the Pompano Beach Code of Ordinances states:

An application [for flex units] shall only be approved on a finding that there is competent substantial evidence in the record that all of the following standards are met:

- (1) Consistency with applicable goals, objectives and policies of the city’s Comprehensive Plan and this chapter.
- (2) The use of the redevelopment and flexibility units; the establishment of nonresidential development within a residential land use designation; or the approval of commercial uses in an Industrial Land Use category will produce a reasonable development pattern. The criteria for reasonableness shall include compatibility of adjacent land uses and suitability

of the parcel for various development patterns.



(3) Application for the use of residential flexibility or redevelopment units requires an agreement to provide affordable housing units or an in lieu of fee in accordance with Section 154.80.

As discussed below, this Application complies with the criteria for allocation of flex units.

Criteria (1) Consistency with applicable goals, objectives and policies of the city's Comprehensive Plan and this chapter.

Response

The application is consistent with the below identified applicable specific Goals, Objectives and Policies of the Comprehensive plan in **bold**. A brief analysis statement is provided below each as evidence of consistency.

Goal

01.00.00 The attainment of a living environment which provides the maximum physical, economic and social well-being for the City and its residents through the thoughtful and planned use and control of the natural and man-made environments that discourages urban sprawl, is energy efficient and reduces greenhouse gas emissions

This broad goal identifies the need to provide a reasonably compatible use on the Property that will support the physical, economic, and social well-being for the City. Development of the parcel will provide the highest and best use and benefit the tax base of the City as well as support local businesses. Mixed-use multifamily development is clearly a preferred development pattern along Federal Highway, and this Project will fundamentally introduce a drastic improvement when compared to the prior development on site. Moreover, the proposal is infill development, as opposed to urban sprawl.

Policy

01.01.04 Maintain public and private recreation and open space facilities at a level of five (5) acres for each 1,000 residents.

The underlying land use is Commercial, and therefore there is **no** decrease in the measured recreation and open space with this allocation of units.

Objective - Right of Way Protection and Accessibility

01.02.00 Protect the existing and future right of way from building encroachments and ensure proper accessibility with the roadway and transit network.

All accessibility will be addressed and meet code requirements of the Land Development Regulations including bicycle and access to nearby mass transit.

Policy

01.02.01 Require new commercial and residential (of more than 10 dwelling units) development to provide their primary access to the abutting arterial roadway system with only secondary access points to local streets so that traffic impacts to single family neighborhoods are minimized.

As shown on the concept plans, primary access will be on Federal Highway in compliance with this Policy.

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Objective - Inconsistent Land Uses

01.03.00 Annually review and periodically update adopted land development regulations and established procedures that encourage the elimination or reduction of uses inconsistent with the City's character and Future Land Use Plan.

As stated, mixed-use multifamily residential development is permitted in the Commercial land use areas along Federal Highway and is consistent with the character of the area.

Policy

01.03.01 Eliminate or reduce nonconforming uses which are inconsistent with the land development regulations and the designations of the Future Land Use Plan map.

Allocating residential units enables the Property to be developed in a desirable manner and eliminates the possibility of inconsistency with current land development regulations.

Policy

01.03.02 Require residential densities of zoning districts to be consistent with the densities on the Future Land Use Map.

Applicant is requesting allocation of 285 residential units. The Commercial future land use and B-3 zoning permit 46 units to acre. The Property is approximately 6.2 acres. Thus, the proposed residential density is just under 46 units to the acre and consistent with the Future Land Use and zoning designation.

Policy

01.03.04 Consider the preservation of established single family neighborhoods in all rezonings, land use plan amendments and site plan approvals.

While this policy is not directly related as no rezoning, land use amendment, or site plan is currently being requested, Applicant is including it as Applicant's concept plan was explicitly designed with sensitivity to and consideration of the single family neighborhood to the west. Prior to submission of the revised flex application, Applicant met with the neighbors, presented the plans, and solicited their feedback. Moreover, Applicant's conceptual plan does not exceed four stories of height along the western boundary line in consideration of the neighbors to the west.

Policy

01.03.05 All Land Use Plan Map amendments and rezonings shall provide for the orderly transition of varying residential land use designations.

While this policy is not directly relevant, new mixed-use multifamily development along Federal Highway will create an orderly transition to the residential development to the west and is a desirable development pattern.

Policy

01.03.07 Require the provision of decorative structural or vegetative buffers between different density residential land uses, and residential and non-residential land uses unless the applicant can demonstrate by evidence that the proper buffer is provided.

The Applicant has provided the required conceptual site plan, which shows space for landscape buffering and appropriate spacing between the proposed project and the residential development to the west.

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Objective - Major Corridor Land Use

01.04.00 Support and promote the intermix of residential and commercial uses along major traffic corridors.

This objective is clearly met with this application, as Applicant is proposing a mixed-use multifamily project in between commercial uses to the north and south on Federal Highway.

Policy

01.04.01 The Planning Department shall support and promote the intermix of residential and commercial uses along major traffic corridors, where mass transit is available, through the allocation of flex and reserve units and approval of land use plan map amendments allowing for residential developments

Again, this Application supports this policy and fundamental development goals for this area.

Policy

01.09.02 Adhere to the City's Unified Flex Zone which does not contain a receiving area located east of the Intracoastal Waterway.

The Property is within a flex receiving area and is west of the Intracoastal Waterway.

Policy

01.09.04 Encourage homeowners to retrofit and fortify homes in accordance with Florida Building Code and recommendations to insure that they can withstand tropical or hurricane force winds and water associated with storms.

The new structures will comply with the high velocity wind load requirements of the Florida Building Code.

Policy

01.12.04 The City shall utilize flexibility units and reserve units to increase residential densities within the flex and reserve receiving areas when consistent with the community character; adjacent land uses; and public school capacity both within Pompano and affected contiguous municipalities; and has undergone a compatibility review relative to potential impacts on Environmentally Sensitive Lands and County or regional parks in accordance with Policy 13.01.10 of the Broward County Land Use Plan.

As stated above, mixed use multifamily development is a common and preferred development type along Federal Highway. This project is consistent with this development pattern and will increase residential density in a flex receiving area. As part of the site plan review process, Applicant will submit a school capacity determination to the Broward County School Board. Preliminary review of current student data suggests there is sufficient capacity in the local schools to accommodate the Project. As the site was previously improved with large structures, there is no issue in relation to environmentally sensitive lands or a negative impact on public parks.

Objective - Smart Growth Initiative

01.16.00 The City will promote "Smart Growth" type initiatives providing for energy efficient development and land use patterns which also account for existing and future electrical power generation and transmission systems in an effort to discourage urban sprawl and reduce greenhouse gasses.

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Policy

01.16.02 The City will encourage and implement the use of compact building design principles which preserve more open space, contain mixed use, support multi-modal transportation options, make public transportation viable, reduce infrastructure costs and take advantage of recycled building materials.

The above objective and policy encourage Applicant's Project which abuts major arterial and is proximate to bus stops.

Criteria (2) The use of the redevelopment and flexibility units; the establishment of nonresidential development within a residential land use designation; or the approval of commercial uses in an Industrial Land Use category will produce a reasonable development pattern. The criteria for reasonableness shall include compatibility of adjacent land uses and suitability of the parcel for various development patterns.

Response

This criteria is more focused on nonresidential development in residential areas. However, it raises the issue of general compatibility. As stated in relation to Criteria (1), Applicant's request is fundamentally compatible with the prevailing development pattern in the area. Moreover, a Project such as Applicant's proposal would create an ideal buffer between Federal Highway on the east and the single-family residential development to the west. Moreover, the City's Transportation Corridor Studies calls for active uses along Federal Highway, which Applicant has provided with commercial space positioned along the street and architecturally interesting frontage design.

Criteria (3) Application for the use of residential flexibility or redevelopment units requires an agreement to provide affordable housing units or an in lieu of fee in accordance with Section 154.80.

Response

Applicant intends to pay the fee in lieu of providing affordable housing units. Section 154.80 (A) provides that "[a] property owner may elect to contribute a fee in lieu of to be deposited into the City's Local Affordable Housing Trust Fund." Applicant will adhere to the requirements set forth in Section 154.80 and pay the applicable per unit fee at the time of building permit.

In light of the foregoing, Applicant respectfully requests approval of this Application for Allocation of Residential Flexibility Units.

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